

REMARKS

Claims 2-25 are in this application. Claims 4, 13 and 25 have been amended. Claim 4 has been amended to delete text which is a duplicate of text which appears earlier in the claim.

As stated in the Examiner's Amendment which accompanies the Notice of Allowability, Claims 13 and 25 were amended to include "**whercin the weight ratio of the inert, non-alkaline polymer soluble in water (HPMC) to the inert polymer insoluble in water (EC) is 50:85 to 15:50**".

It appears that a mistake has been made when choosing the values of the examples.

The examples of the text of the application are:

HPMC/EC: 45/55, 30/70, 50/50, 40/60, 30/70, 15/85 and 33/67; that is: 0.81, 0.42, 1.00, 0.60, 0.42, 0.18 and 0.44.

This values can be listed in a different order: 1.00, 0.81, 0.60, 0.44, 0.42, 0.42, 0.18.

It appears that the values chosen are the highest values of HPMC and EC: 50 and 85, as well as the lowest values: 15 and 50, to build up the ratio range 50:85 to 15:50, that is, 0.58 to 0.30. However, the ratio range should have been build up choosing also the highest values of HPMC and EC: 50 and 85, as well as the lowest values: 15 and 50, but in a different order (the correct one), so that the range 50/50 to 15/85, that is, 1 to 0.18.

Applicants believe that this is the proper way to define the range since the ratio range 50/50 to 15/85 is fully supported by the examples (example 3 and example 6 of the application). Whereas the ratio range included in the allowed claims is not supported by any of the examples of the patent application.

Moreover, since the application as originally filed discloses that "*varying the amount of insoluble polymer with respect to the soluble polymer gives a greater or lesser retarding effect, in general, increasing the amount of insoluble polymer with respect to the amount of soluble polymer leads to a slower release of the active ingredient*", it is strongly believed that the combination of this teaching with the content of the examples would allow the applicant to obtain protection for the

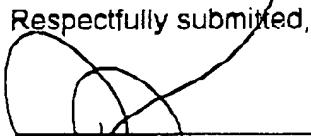
widest ranges covered by the examples.

This amendment is needed to provide the proper protection of the invention. The proposed amended claims require no additional search or examination and are patentable because the weight ratio of polymer soluble in water to polymer insoluble in water is fully supported by the examples and according to notice of allowance, the claims are patentable because of the incorporation of the definition of the inert excipients and incorporation of weight ratio of polymer soluble in water to polymer insoluble in water. Patentability of the claims does not depend on the specific weight ratio of 50:85 to 15:50. The amended claims were not earlier presented because it was on review of the reasons for allowance that the need for the amended claims was recognized.

It is respectfully requested that claims 4, 13 and 26 be amended as proposed.

The Examiner is respectfully requested to contact the undersigned if she has any comments or questions.

Respectfully submitted,



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